

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

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ROLANDO GUERRA RIVERA,

*Plaintiff,*

v.

CLERK'S OFFICE, *et al.*,

*Defendants.*

CIVIL ACTION NO.  
5:21-cv-00030-TES-CHW

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ORDER

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Plaintiff Rolando Guerra Rivera, a prisoner in Baldwin State Prison in Hardwick, Georgia, filed a 42 U.S.C. § 1983 action. [Doc. 1]. He also moved to proceed *in forma pauperis*. [Doc. 2]. On February 17, 2021, the Court granted Plaintiff's motion to proceed *in forma pauperis* and ordered that he file a recast complaint. [Doc. 4]. Plaintiff was given fourteen days to comply. [*Id.*].

Plaintiff failed to respond. On March 19, 2021, the Court entered an Order to Show Cause, giving Plaintiff fourteen days to show why his case should not be dismissed for failure to follow the Court's February 17, 2021 Order. [Doc. 5].

Plaintiff filed his recast complaint on March 25, 2021, but he failed to sign it. [Doc. 6]. The Clerk of Court notified Plaintiff that, pursuant to Federal Rule of Civil Procedure 11, he must sign his complaint. Plaintiff was given twenty-one days to sign his complaint and return it to the Court. On April 9, 2021, Plaintiff returned his

unsigned complaint. [Doc. 8]. On April 9, 2021, the Clerk of Court again notified Plaintiff that his complaint was deficient because he failed to sign it. The Complaint was returned to Plaintiff, and he was instructed to sign the complaint and refile it within twenty-one days. Plaintiff was informed that failure to comply may result in the dismissal of his Complaint. Plaintiff failed to file a signed Complaint.

On June 10, 2021, the Court entered a second Order to Show Cause, giving Plaintiff fourteen days to show why his case should not be dismissed for failure to follow the Court's February 17, 2021 Order and the Clerk of Court's Notice of Deficiencies. [Doc. 10]. Plaintiff was specifically informed that this was his last chance to file a signed Complaint and should he fail to do so, his action would be dismissed. [*Id.*].

Despite being given numerous opportunities to comply, Plaintiff has failed to file a signed Complaint. Instead, he filed a motion for appointment of counsel. [Doc. 11]. To the extent any language in this motion could be construed as Plaintiff's request for additional time to comply with the Court's various orders, he has not shown any reason why additional time is necessary. Plaintiff has been given many opportunities to file a signed Complaint and has simply failed to do so.

Due to Plaintiff's failure to follow the Court's Orders and prosecute this action, the case is hereby **DISMISSED** without prejudice. Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)) ("The court

may dismiss an action sua sponte under Rule 41(b) for failure to prosecute or failure to obey a court order.”). Plaintiff’s motion for appointment of counsel, [Doc. 11], is **DENIED** as moot.

**SO ORDERED**, this 13th day of July, 2021.

S/Tilman E. Self, III

**TILMAN E. SELF, III, JUDGE**

**UNITED STATES DISTRICT COURT**